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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, DC 20554

cc 92-115

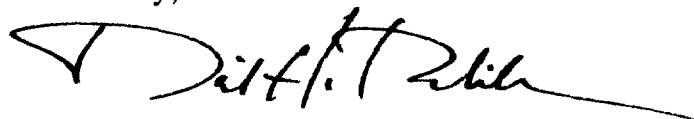
Re: Cellular Communications of Puerto Rico, Inc.
Petition for Reconsideration
Revision of Part 22 of the Commission's Rules
CC Docket No. 92-115 *et. al.*
Reply to Comments and Oppositions

Dear Mr. Caton:

Enclosed herewith for filing on behalf of Cellular Communications of Puerto Rico, Inc. ("CCPR") are an original and four copies of its *Reply to Comments and Oppositions* following from its *Petition for Reconsideration* of the Commission's Order in the above-cited dockets. Pursuant to Section 1.49 of the Commission's Rules, CCPR will submit microfiche copies of its *Petition* within the week.

If you have any questions concerning this filing, please contact the undersigned.

Sincerely,



David H. Pawlik
Counsel for Cellular Communications of Puerto Rico,
Inc.

Enclosures

cc: Mr. Francisco Silva, Esq.

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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)	
)	
Revision of Part 22 of the Commission's)	CC Docket No. 92-115
Rules Governing the Public Mobile Services)	
)	
Amendment of Part 22 of the Commission's)	CC Docket No. 94-46
Rules to Delete Section 22.119 and Permit)	RM 8367
the Concurrent Use of Transmitters in)	
Common Carrier and Non-common Carrier)	
Service)	
)	
Amendment of Part 22 of the Commission's)	CC Docket No. 93-116
Rules Pertaining to Power Limits for Paging)	
Stations Operating in the 931 MHz Band in)	
the Public Land Mobile Services)	

Reply to Comments and Oppositions
submitted by
CELLULAR COMMUNICATIONS OF PUERTO RICO, INC.

Cellular Communications of Puerto Rico, Inc. ("CCPR"), through its counsel, hereby responds to comments made following CCPR's petition to the Commission to reconsider the Rules adopted in its *Report and Order* (FCC 94-201) in the above-cited dockets released September 9, 1994. CCPR, through its affiliates, is the nonwireline cellular licensee in eleven of the twelve cellular MSAs and RSAs in Puerto Rico and in both RSAs in the United States Virgin Islands.

1. No Petitions, Oppositions, or Comments Filed with the Commission in this Proceeding Contest CCPR's Proposal Regarding CGSA Modifications over Open Water.

Among the recommendations that CCPR made in its *Petition for Reconsideration* filed December 19, 1994, was the suggestion that the Commission not require filings, either notifications on Form 489 or applications on Form 600, for changes to CGSAs made over large bodies of open water (with the exception of the Gulf of Mexico, which is its own cellular market area).¹ No party opposed or otherwise objected to this recommendation. Other petitioners urged the Commission, as CCPR did, to clarify that filings are not required for changes to cell sites that form the internal CGSAs of individual MSAs or RSAs within consolidated, wide-area cellular systems.² Several factors support this policy. It would result in a significant savings of time, effort, and money for licensees and for the Commission by reducing the number of filings that would need to be processed. It would not deprive other licensees of information or notifications necessary for the efficient operation of their systems, because their service areas would not be affected.

These considerations apply even more powerfully to the situation wherein a change to a cell creates a change in a CGSA only over large bodies of open water,

¹ CCPR *Petition for Reconsideration* at 2-4.

² *Joint Petition of AirTouch Communications, Inc. and U S WEST NewVector Group, Inc.* at 12; GTE's *Comments and Opposition* at 6-8.

such as the Atlantic Ocean, the Pacific Ocean, the Caribbean Sea, or the Great Lakes. No other cellular licensee could claim the right to serve such areas over open water, so requiring such filings does not protect the interests of adjacent carriers. The public interest is served because such changes improve the quality of cellular service for subscribers on land. There are no countervailing policy or public interest considerations that would be served by requiring filings. Under the Commission's new Part 22 rules, a modification on land that reduces — even slightly — a CGSA over large bodies of water would require a Form 489 filing. If the proposed CGSA were to cover previously unserved areas over large bodies of open water, a Phase 2 Unserved Area application on Form 600 would be required, taking a minimum of 90 days to obtain the Commission's consent. Either filing represents a waste of administrative and licensee resources without a public service justification.

2. Suggested Rule Changes.

CCPR recommends that the following modifications be made to the Commission's new Part 22 rules:

47 C.F.R. § 22.163(e): The first sentence should be changed as follows:

Licensees in the Cellular Radiotelephone Service must notify the FCC (FCC Form 489) of any modifications made under this section that cause a change in the Cellular Geographic Service Area boundary (including the removal of a transmitter or transmitters) *except when such change encompasses only water areas (including uninhabited reefs).*

47 C.F.R. § 22.165(e): The third sentence should be changed as follows:

Licensees must notify the FCC (FCC Form 489) of any transmitters added under this section that cause a change in the CGSA boundary *except when such change encompasses only water areas (including uninhabited reefs).*

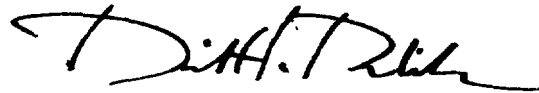
47 C.F.R. § 22.951: A fifth sentence should be added as follows:

Applications for authority to operate a new cellular system in an unserved area, other than those filed by the licensee of an existing system that abuts the unserved area, must not propose coverage of water areas only (or water areas and uninhabited reefs only), except for unserved areas in the Gulf of Mexico MSA. *Licensees in existing systems abutting the Atlantic or Pacific Oceans, the Caribbean Sea, or the Great Lakes are not required to apply for authority to modify their CGSA boundaries when changes would encompass only water areas (including uninhabited reefs).*

If the Commission does not agree with CCPR that no filing at all should be required in these circumstances, at the very least it should revise its new rules so that only a notification, on FCC Form 489, would be required for adding area to a CGSA when such area encompasses only portions of large bodies of open water.

The petitions, comments, and replies in this proceeding indicate that the amendments discussed herein would further the public interest.

Respectfully submitted,
CELLULAR COMMUNICATIONS OF
PUERTO RICO, INC.

A handwritten signature in black ink, appearing to read "D.H. Pawlik", written over a horizontal line.

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Its attorneys

January 30, 1995

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 1995, I caused copies of the "Reply to Comments and Oppositions submitted by Cellular Communications of Puerto Rico, Inc." to be mailed via first-class postage prepaid mail to the following:

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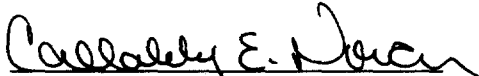
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